

REMARKS

Entry of the foregoing amendments to the application is requested on the grounds that the claims, as amended, patentably distinguish over the cited art of record or, alternatively, place the application in better condition for appeal. The claims more particularly point out and distinctly claim the subject matter which Applicant regards as the invention. No new issues have been added which would require further consideration and/or search, nor has any new matter been added. The claims, as amended, are believed to avoid the rejections applied in the Final Office Action for reasons set forth more fully below.

The Final Office Action of March 18, 2008 has been received and carefully reviewed. It is submitted that, by this Amendment, all bases of rejection are traversed and overcome. Upon entry of this Amendment, claims 1, 4 and 6-12 remain in the application. Claims 2, 3, 5, 13, 14, 36 and 37 have been cancelled. Claims 15 through 35 are withdrawn. Claims 1, 6, 8, and 12 have been amended herein. Support for these amendments may be found throughout the specification as filed, at least from page 10, line 23 to page 12, line 14, and from page 12, line 19 to page 14, line 15. Reconsideration of the claims is respectfully requested.

Claims 1 and 4 through 12 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Wilding (U.S. Patent Application Publication No. 2003/0199081) in view of Mowry (U.S. Patent No. 7,078,237) and/or Doung (U.S. Patent Application Publication No. 2002/0177135).

The Applicant's invention as defined in claim 1 relates to a biochip, including: (a) a substrate; and (b) a region of the substrate having components being configured to interact with a biological substance in an assay. The biochip is configured to be received by an integrated heating device. The heating device includes an analysis chamber and a pyrolysis chamber. Both chambers are configured to receive the biochip. The heating device both generates heat in the analysis chamber at a temperature sufficient to assist in conducting the assay,

and generates heat in the pyrolysis chamber such that the biological substance is brought to a temperature sufficient to destroy the biological substance for decontamination of the biochip and rendering untraceable a human source of the biological substance being tested. The biochip is also disposable.

Additionally, the Applicant's invention as defined in claim 8 relates to a method for testing and destroying a biological substance using a disposable biochip. The method includes several steps. The first step includes conducting an assay of a biological substance on a disposable biochip, the biochip being placed in an analysis chamber of an integrated heating device. The integrated heating device includes, in addition to the analysis chamber, a pyrolysis chamber. Both chambers are configured to receive the biochip. The heating device generates heat in the analysis chamber at a temperature sufficient to assist in conducting the assay. The second step includes heating the biochip after placing the biochip in the pyrolysis chamber. The heating device generates heat in the pyrolysis chamber such that the biological substance is brought to a temperature sufficient to destroy the biological substance for decontamination of the biochip. The generated heat renders untraceable a human source of the biological substance being tested.

It is submitted that the combination of Wilding with Mowry and/or Doung neither teaches nor suggests the inventions as defined in Applicant's claims.

Wilding teaches a disposable biochip with a heating device on the substrate of the biochip which serves to heat the assay on the biochip, but does not provide heat for decontamination or rendering human sources of the biological substances untraceable by destroying the samples.

Mowry teaches a non-disposable biochip with a micropyrolyzer that is part of a chemical analyzer on the biochip. The micropyrolyzer does not destroy the samples for decontamination or render human sources of the biological substances untraceable.

Doung teaches a thermal controller, separate from a biochip, which heats many biochips at the same time to decontaminate them. The biochips are all contained in a cartridge while being heated by the one thermal controller.

None of Wilding, Mowry or Doung, taken either alone or in combination, suggests the integrated heating device of the Applicant's claims. Since neither Wilding nor Mowry teaches applying heat that actually destroys the biological sample being tested, it is submitted that the combination of Wilding with Mowry does not teach or suggest achieving decontamination or the rendering of human sources of the biological substances untraceable. It is further submitted that the combination of Wilding with Doung would achieve a method of decontaminating Wilding's biochip including putting many biochips in Doung's cartridge to decontaminate such biochips all at one time. This combination suggests nothing about an integrated heating device that receives an individual biochip in an analysis chamber to heat the biochip to assist in the assay, the heating device then going on to receive the same chip in a pyrolysis chamber for decontamination or to render human sources of the biological substances untraceable.

For all the reasons stated above, it is submitted that Applicant's invention as defined in independent claims 1 and 8, as well as in those claims depending therefrom, is not anticipated, taught or rendered obvious by the cited references, and patentably defines over the art of record.

In summary, claims 1, 4 and 6-12 remain in the application. It is submitted that, through this Amendment, Applicant's invention as set forth in these claims is now in a condition suitable for allowance. Should the Examiner believe otherwise, it is submitted that the claims as amended qualify for entry as placing the application in better form for appeal.

Further and favorable consideration is requested. If the Examiner believes it would expedite prosecution of the above-identified application, the

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Examiner is cordially invited to contact Applicants' Attorney at the below-listed telephone number.

Respectfully submitted,

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